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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,823	04/24/2002	Motoki Kato	450101-03303	1737
7590 William S Frommer Frommer Lawrence & Haug 745 Fifth Avenue New York, NY 10151				
07/29/2009				
EXAMINER				
HARVEY, DAVID E				
ART UNIT		PAPER NUMBER		
2621				
MAIL DATE		DELIVERY MODE		
07/20/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**1. The examiner hereby cites:**

**A) PCT application #WO98/24091 to Kanda. This reference qualifies as "prior art" under section 102(b). The examiner notes that the reference is not in the English language. However, US Patent #6,234,335 to Kanda, while it does not qualify as "prior art", is the US national stage of the above noted PCT and, as such, represents a certified translation of the above noted PCT.**

**Thus, as evidenced in column 26 of US Patent #6,234,335 to Kanda, the prior art PCT publication #WO98/24091 to Kanda provided the following teachings:**

*"The CPU 303 allocates a time code to each video frame of the video signal to be recorded based on the time coded supplied from a time-code generating unit 313, and also allocates a recording address to each video frame of the video signal. Then the CPU 303 stores the allocated time code and recording address as a corresponding table therein.*

*On recording, the CPU 303 specifies the recording address and the recording command to the hard-disk drive 300. The hard-disk drive 300 records a video signal to the specified recording address. On the other hand, on reproducing, if the video signal to be read is specified with the time code by the computer 2, the CPU 303 refers to the corresponding table described above to determine that the video frame of the specified time code is recorded where (that is, determines the recording address). Then the CPU 303 specifies the determined recording address together with a reproducing command. Accordingly, the hard-disk drive 300 reproduces the video signal from the specified address and reproduces the video signal requested by the computer 2. In this manner, the CPU 303 stores the correspondence relation between the time code and the recording address as a corresponding table, so that the specified reproducing position can be rapidly reproduced even if the reproducing position is specified with the time code by the computer 2."*

**2. With respect to the proposed amendment(s) to claim 13, the following is noted:**

**A) Lines 4-5 of proposed claim 13, as amended, do not appear to make sense because a computer program, per se, is not capable of executing a method. The method is performed by a computer which executes the program. Thus the proposed amendment does not overcome the section 112 issues noted in the last Office action.**

**The proposed amendments to claims 17, 18, and 19 have similar problems.**

**3. For the record, the examiner notes that a claim directed to a program per se, regardless of whether or not the program is recorded on a statutory recording medium, does not constitute statutory subject matter in accordance with Section 101 (i.e., the program constitutes non functional descriptive matter and, as such, lacks functionality).**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **DAVID E. HARVEY** whose telephone number is (571) 272-7345. The examiner can normally be reached on M-F from 6:00AM to 3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Marsh D. Banks-Harold, can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DAVID E HARVEY/

Primary Examiner, Art Unit 2621

**DAVID E HARVEY**  
Primary Examiner  
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